

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Mpower Communications Corp.,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-09-045  
(Filed September 27, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING  
MPOWER COMMUNICATIONS CORP.'S MOTION FOR EXPEDITED  
HEARING AND SETTING PREHEARING CONFERENCE**

This ruling denies Mpower Communications Corp.'s (Mpower) October 28, 2002 motion for expedited hearing on Mpower's September 27, 2002 motion for interim injunctive relief. Pacific Bell Telephone Company's (Pacific) November 5, 2002 response to Mpower's motion for interim injunctive relief raises legal and factual barriers to the Commission's granting of interim injunctive relief. It does not appear reasonably likely that Mpower would prevail on the merits. Instead of setting an expedited hearing, this ruling sets a prehearing conference on November 26, 2002. In advance of the hearing, the parties shall meet and confer to discuss and narrow the issues presented in this complaint in light of the pleadings filed to date.

**IT IS RULED** that:

1. Mpower Communications Corp.'s motion for expedited hearing is denied.
2. A prehearing conference (PHC) is scheduled for 1:30 p.m., Tuesday, November 26, 2002, in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
3. The parties are directed to meet and confer in advance of the PHC.

Dated November 15, 2002, at San Francisco, California.

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/s/ JANICE GRAU  
Janice Grau  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Mpower Communications Corp's Motion for Expedited Hearing and Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated November 15, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

C.02-09-045 JLG/jyc